

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:
Eileen Fagan

Case No. 04-23460
CHAPTER 13

ORDER AND JUDGMENT

UPON the application of the Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee, dated April 4, 2006, to lift the automatic stay pursuant to §362 of the Bankruptcy Code and Opposition and a Memorandum of Law filed by the debtor dated April 10, 2006 and the Affirmation in Reply filed by the Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee through its counsel Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee and specifically to Dennis Jose, Esq. dated April 4, 2006 and a hearing in open Court on April 27, 2006 and the Court having received Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee through its counsel Steven J. Baum, PC and Dennis Jose, Esq. an application that was patently false and did not have any factual basis; and the Court further having given the Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee through its counsel Steven J. Baum, PC and Dennis Jose, Esq. an opportunity to be heard regarding the imposition of costs; and after a hearing on April 27, 2006 and after reviewing actual checks of payments having been made by the debtor and after hearing the Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee through its counsel Steven J. Baum, PC and specifically to Dennis Jose, Esq.;

ORDERED the application to lift the automatic stay is denied;

ORDERED that the Deutsche Bank Trust Company Americas fka Bankers Trust Company, as Trustee shall pay to the Law Office of Shmuel Klein, PC the sum of \$700.00 within ten (10) days of entry of this Order.

Dated: White Plains, New York
May 4, 2006

/s/ Adlai S. Hardin, Jr.
Honorable Adlai S. Hardin, Jr.
U.S. Bankruptcy Judge